

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

Cr. Rev: Appln: No.S-20 of 2020.

DATE	ORDER WITH SIGNATURE OF JUDGE
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17.08.2020.

Mr. Ejaz A. Awan, advocate a/w applicant.
Mr. Nazar Muhammad Memon, Addl: P.G.

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RASHIDA ASAD, J:- Through instant criminal revision application, the applicant has challenged the order dated 06.02.2020, passed by learned IIIrd. Additional Sessions Judge, Shaheed Benazirabad, whereby his prayer for releasing of the Hino Truck bearing registration No.TKU-314, Chassis No.FC2JKA-10182, Engine No.JO8CB-31803, Model 1996 in case pertaining to Crime No.03 of 2020, registered at PS Balu Ja Quba for offences under sections 324, 353, 337-A(i), L(ii) and 34, PPC, on superdari basis was declined, hence this application.

2. Learned counsel for the applicant submits that applicant is real owner of the Truck in question and has no concern with the alleged offence, therefore, he cannot be penalized by retaining his truck, as the same was taken into custody by the police from his driver; that the alleged offences did not prohibit the release of the vehicle as alleged scuffle took place between the police party and accused/driver for entering the truck on Mehran Highway, stated to be prohibited for heavy traffic; that the applicant is not connected in any way with the commission of crime; that the truck in question is parked in an open place at the police station without any shelter and if it is not given to the applicant it will be damaged; that the impugned order is not sustainable under the law as the same has been passed without cogent ground, therefore, looking to the poverty of applicant, the vehicle in question may be released to the applicant on superdari basis.

3. On the other hand, learned Addl. P.G tendered no objection to the grant of application on the ground that the applicant is last possessor of the said vehicle and has placed its original registration book before the Court.

4. Having heard the arguments of learned counsel for the parties, perusal of record shows that at the time of commission of alleged offence the said vehicle was recovered from the accused/driver Muhammad Saud, which is stated to be

only source of income of the applicant. During course of arguments, learned counsel for applicant has placed original registration book of the vehicle in question before the Court, which clearly shows the name of applicant being last possessor of the said truck, therefore, there appears no impediment except to consider it compassionately that the said truck is lying at police station in open sky since 11.01.2020 and if the same remained there certainly it would be devalued and damaged.

5. In view of foregoing reasons, instant application is allowed and impuged order set aside. Learned trial Court is directed to release the Hino Truck in question to the applicant on superdari basis subject to furnishing a solvent surety in the sum of Rs.500,000/- (Rupees five lacs) with direction to the applicant to produce the said vehicle before the trial Court on each and every date of hearing, if required by trial Court.

6. With the above observation, instant criminal revision application was disposed of vide short order announced by me on 17.08.2020 and these are the reasons for the same.

JUDGE.

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